

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 10-20705

ALI ALAOUIE,

Defendant.

**ORDER DENYING DEFENDANT ALI ALAOUIE'S
"MOTION FOR DISCLOSURE"**

Before the court is a "Motion for Disclosure" filed by Defendant Ali Alaouie. Defendant asks the court to enter an order compelling the Government to disclose any information that the Government intends to introduce at trial under Federal Rule of Evidence 404(b) or 609. The motion will be denied.

First, Federal Rule of Evidence 404(b) is self-regulating by the Government itself. Rule 404(b) governs the admission of other acts evidence, and requires that the government provide reasonable notice (normally in advance of trial) of "the general nature of any such evidence," predicated upon a "request by the accused" for such information. No necessity for a motion or other involvement by the court at this stage is indicated either by the Rule or in the motion.

Second, Federal Rule of Evidence 609 governs the use of a previous conviction of a crime for impeachment purposes at trial. There is no duty of disclosure imposed upon the Government under this rule, unless the Government intends to admit evidence of a conviction which is more than ten years old. Fed. R. Evid. 609(b). Even then,

however, the rule is self-regulated by the admitting party, with the remedy of inadmissibility for any violation of the rule.

There appears to be no basis for court involvement at this stage of the litigation and, accordingly,

IT IS ORDERED that Defendant Ali Alaouie's "Motion for Disclosure" [Dkt. # 71] is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 1, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 1, 2011, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522